

REFERENCE TITLE: DNA testing; arrest; serious offenses

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HB 2611

Introduced by  
Representatives Groe, Barnes, Boone, Yarbrough: Adams, Burns J, Driggs,  
McComish, Robson, Stump, Weiers J

AN ACT

AMENDING SECTIONS 13-610 AND 41-1750, ARIZONA REVISED STATUTES; RELATING TO  
DEOXYRIBONUCLEIC ACID TESTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-610, Arizona Revised Statutes, is amended to  
3 read:

4 13-610. Deoxyribonucleic acid testing: exception

5 A. Within thirty days after a person is sentenced to the state  
6 department of corrections or a person who is accepted under the interstate  
7 compact for the supervision of parolees and probationers arrives in this  
8 state, the state department of corrections shall secure a sufficient sample  
9 of blood or other bodily substances for deoxyribonucleic acid testing and  
10 extraction from the person if the person was convicted of an offense listed  
11 in this section and was sentenced to a term of imprisonment or was convicted  
12 of any offense that was committed in another jurisdiction that if committed  
13 in this state would be a violation of any offense listed in this section and  
14 the person is under the supervision of the state department of corrections.  
15 The state department of corrections shall transmit the sample to the  
16 department of public safety.

17 B. Within thirty days after a person is placed on probation and  
18 sentenced to a term of incarceration in a county jail detention facility or  
19 is detained in a county juvenile detention facility, the county detention  
20 facility shall secure a sufficient sample of blood or other bodily substances  
21 for deoxyribonucleic acid testing and extraction from the person if the  
22 person was convicted of or adjudicated delinquent for an offense listed in  
23 this section. The county detention facility shall transmit the sample to the  
24 department of public safety.

25 C. Within thirty days after a person is convicted and placed on  
26 probation without a term of incarceration or adjudicated delinquent and  
27 placed on probation, the county probation department shall secure a  
28 sufficient sample of blood or other bodily substances for deoxyribonucleic  
29 acid testing and extraction from the person if the person was convicted of or  
30 adjudicated delinquent for an offense listed in this section. The county  
31 probation department shall transmit the sample to the department of public  
32 safety.

33 D. Within thirty days after the arrival of a person who is accepted  
34 under the interstate compact for the supervision of parolees and probationers  
35 and who is under the supervision of a county probation department, the county  
36 probation department shall secure a sufficient sample of blood or other  
37 bodily substances for deoxyribonucleic acid testing and extraction from the  
38 person if the person was convicted of an offense that was committed in  
39 another jurisdiction that if committed in this state would be a violation of  
40 any offense listed in this section and was sentenced to a term of probation.  
41 The county probation department shall transmit the sample to the department  
42 of public safety.

43 E. Within thirty days after a juvenile is committed to the department  
44 of juvenile corrections, the department of juvenile corrections shall secure  
45 a sufficient sample of blood or other bodily substances for deoxyribonucleic

1 acid testing and extraction from the youth if the youth was adjudicated  
 2 delinquent for an offense listed in this section and was committed to a  
 3 secure care facility. The department of juvenile corrections shall transmit  
 4 the sample to the department of public safety.

5 F. Within thirty days after the arrival in this state of a juvenile  
 6 who is accepted by the department of juvenile corrections pursuant to the  
 7 interstate compact on juveniles and who was adjudicated for an offense that  
 8 was committed in another jurisdiction that if committed in this state would  
 9 be a violation of any offense listed in this section, the compact  
 10 administrator shall request that the sending state impose as a condition of  
 11 supervision that the juvenile submit a sufficient sample of blood or other  
 12 bodily substances for deoxyribonucleic acid testing. If the sending state  
 13 does not impose that condition, the department of juvenile corrections shall  
 14 request a sufficient sample of blood or other bodily substances for  
 15 deoxyribonucleic acid testing within thirty days after the juvenile's arrival  
 16 in this state. The department of juvenile corrections shall transmit the  
 17 sample to the department of public safety.

18 G. Notwithstanding subsections A through F of this section, the agency  
 19 that is responsible for securing a sample pursuant to this section shall not  
 20 secure the sample if the scientific criminal analysis section of the  
 21 department of public safety has previously received and maintains:

22 1. A sample sufficient for deoxyribonucleic acid testing.

23 2. A PERSON'S DEOXYRIBONUCLEIC ACID TEST RESULTS FROM AN ARRESTING  
 24 AUTHORITY PURSUANT TO SECTION 41-1750, SUBSECTION U.

25 H. The department of public safety shall do all of the following:

26 1. Conduct or oversee through mutual agreement an analysis of the  
 27 samples that it receives pursuant to ~~subsection SUBSECTIONS L AND N,~~  
 28 ~~paragraphs 1, 2 and 3 of this section and subsection 0, paragraphs 1 and 2 of~~  
 29 ~~this section.~~

30 ~~2. Store the samples it receives pursuant to subsection N, paragraphs~~  
 31 ~~4 and 5 of this section and subsection 0, paragraphs 3 and 4 of this section~~  
 32 ~~and conduct an analysis of the samples on receipt of the funding necessary~~  
 33 ~~for this purpose.~~

34 ~~3.~~ 2. Make and maintain a report of the results of each  
 35 deoxyribonucleic acid analysis.

36 ~~4.~~ 3. Maintain samples of blood and other bodily substances for at  
 37 least thirty-five years.

38 I. Any sample and the result of any test that is obtained pursuant to  
 39 this section may be used only as follows:

40 1. For law enforcement identification purposes.

41 2. In a proceeding in a criminal prosecution or juvenile adjudication.

42 3. In a proceeding under title 36, chapter 37.

43 J. If the conviction of a person who is subject to this section is  
 44 overturned on appeal or postconviction relief and a final mandate has been  
 45 issued, on petition of the person to the superior court in the county in

1 which the conviction occurred, the court shall order that the person's  
2 deoxyribonucleic acid profile resulting from that conviction be expunged from  
3 the Arizona deoxyribonucleic acid identification system established by  
4 section 41-2418 unless the person has been convicted of another offense that  
5 would require the person to submit to deoxyribonucleic acid testing pursuant  
6 to this section.

7 K. If the conviction of a person who is subject to this section is  
8 classified as a misdemeanor pursuant to section 13-702, on petition of the  
9 person to the superior court in the county in which the conviction occurred,  
10 the court shall order that the person's deoxyribonucleic acid profile  
11 resulting from that conviction be expunged from the Arizona deoxyribonucleic  
12 acid identification system unless the person has been convicted of another  
13 offense that would require the person to submit to deoxyribonucleic acid  
14 testing pursuant to this section.

15 ~~L. A person who was convicted or adjudicated delinquent before the~~  
16 ~~applicable date provided in this section for any offense for which a~~  
17 ~~sufficient sample of blood or other bodily substance for deoxyribonucleic~~  
18 ~~acid testing and extraction is required to be secured shall have a sample~~  
19 ~~secured if the person is in the custody of the state department of~~  
20 ~~corrections, the department of juvenile corrections or a county jail~~  
21 ~~detention facility or is under the supervision of a probation department on~~  
22 ~~the applicable date listed in subsection N or O of this section. The sample~~  
23 ~~shall be secured within one hundred eighty days after the applicable date~~  
24 ~~listed in subsection N or O of this section.~~

25 L. BEGINNING JANUARY 1, 2008, IF A PERSON IS ARRESTED FOR A SERIOUS  
26 OFFENSE AS DEFINED IN SECTION 13-604, THE ARRESTING AUTHORITY SHALL SECURE A  
27 SUFFICIENT SAMPLE OF BLOOD OR OTHER BODILY SUBSTANCES FOR DEOXYRIBONUCLEIC  
28 ACID TESTING AND EXTRACTION FROM THE PERSON. THE ARRESTING AUTHORITY SHALL  
29 TRANSMIT THE SAMPLE TO THE DEPARTMENT OF PUBLIC SAFETY.

30 M. If any sample that is submitted to the department of public safety  
31 under this section is found to be unacceptable for analysis and use or cannot  
32 be used by the department, the department shall require that another sample  
33 of blood or other bodily substances be secured pursuant to this section.

34 N. This section applies to persons who are:

35 1. Convicted of ~~the following offenses:~~

36 ~~1. A violation of or an attempt to violate any offense in chapter 11~~  
37 ~~of this title, any felony offense in chapter 14 or 35.1 of this title or~~  
38 ~~section 13-1507, 13-1508 or 13-3608.~~

39 ~~2. Any offense for which a person is required to register pursuant to~~  
40 ~~section 13-3821.~~

41 ~~3. Any offense involving the discharge, use or threatening exhibition~~  
42 ~~of a deadly weapon or dangerous instrument or the intentional or knowing~~  
43 ~~infliction of serious physical injury as provided in section 13-604.~~

44 ~~4. A violation of any felony offense in chapter 34 of this title.~~

45 ~~5. Beginning on January 1, 2004, a violation of any felony offense.~~

1       ~~0. This section applies to persons who are~~  
2       2. Adjudicated delinquent for the following offenses:  
3       ~~1-~~ (a) A violation or an attempt to violate any offense in chapter 11  
4 of this title, any felony offense in chapter 14 or 35.1 of this title or  
5 section 13-1507, 13-1508 or 13-3608.  
6       ~~2-~~ (b) Any offense for which a person is required to register  
7 pursuant to section 13-3821.  
8       ~~3-~~ (c) A violation of any felony offense in chapter 34 of this title  
9 that may be prosecuted pursuant to section 13-501, subsection B, paragraph 2.  
10       ~~4-~~ (d) ~~Beginning on January 1, 2004,~~ A violation of any felony  
11 offense that is listed in section 13-501.  
12       Sec. 2. Section 41-1750, Arizona Revised Statutes, is amended to read:  
13       41-1750. Central state repository; department of public safety;  
14               duties; funds; accounts; definitions  
15       A. Notwithstanding section 41-2205, the department is responsible for  
16 the effective operation of the central state repository in order to collect,  
17 store and disseminate complete and accurate Arizona criminal history records  
18 and related criminal justice information. The department shall:  
19       1. Procure from all criminal justice agencies in this state accurate  
20 and complete personal identification data, fingerprints, charges, process  
21 control numbers and dispositions and such other information as may be  
22 pertinent to all persons who have been charged with, arrested for, convicted  
23 of or summoned to court as a criminal defendant for a felony offense or an  
24 offense involving domestic violence as defined in section 13-3601 or a  
25 violation of title 13, chapter 14 or title 28, chapter 4.  
26       2. Collect information concerning the number and nature of offenses  
27 known to have been committed in this state and of the legal steps taken in  
28 connection with these offenses, such other information that is useful in the  
29 study of crime and in the administration of criminal justice and all other  
30 information deemed necessary to operate the statewide uniform crime reporting  
31 program and to cooperate with the federal government uniform crime reporting  
32 program.  
33       3. Collect information concerning criminal offenses that manifest  
34 evidence of prejudice based on race, color, religion, national origin, sexual  
35 orientation, gender or disability.  
36       4. Cooperate with the central state repositories in other states and  
37 with the appropriate agency of the federal government in the exchange of  
38 information pertinent to violators of the law.  
39       5. Ensure the rapid exchange of information concerning the commission  
40 of crime and the detection of violators of the law among the criminal justice  
41 agencies of other states and of the federal government.  
42       6. Furnish assistance to peace officers throughout this state in crime  
43 scene investigation for the detection of latent fingerprints and in the  
44 comparison of latent fingerprints.

1           7. Conduct periodic operational audits of the central state repository  
2 and of a representative sample of other agencies that contribute records to  
3 or receive criminal justice information from the central state repository or  
4 through the Arizona criminal justice information system.

5           8. Establish and enforce the necessary physical and system safeguards  
6 to ensure that the criminal justice information maintained and disseminated  
7 by the central state repository or through the Arizona criminal justice  
8 information system is appropriately protected from unauthorized inquiry,  
9 modification, destruction or dissemination as required by this section.

10          9. Aid and encourage coordination and cooperation among criminal  
11 justice agencies through the statewide and interstate exchange of criminal  
12 justice information.

13          10. Provide training and proficiency testing on the use of criminal  
14 justice information to agencies receiving information from the central state  
15 repository or through the Arizona criminal justice information system.

16          11. Operate and maintain the Arizona automated fingerprint  
17 identification system established pursuant to section 41-2411.

18          12. Provide criminal history record information to the fingerprinting  
19 division for the purpose of screening applicants for fingerprint clearance  
20 cards.

21          B. The director may establish guidelines for the submission and  
22 retention of criminal justice information as deemed useful for the study or  
23 prevention of crime and for the administration of criminal justice.

24          C. The chief officers of criminal justice agencies of this state or  
25 its political subdivisions shall provide to the central state repository  
26 fingerprints, **DEOXYRIBONUCLEIC ACID TEST RESULTS** and information concerning  
27 personal identification data, descriptions, crimes for which persons are  
28 arrested, process control numbers and dispositions and such other information  
29 as may be pertinent to all persons who have been charged with, arrested for,  
30 convicted of or summoned to court as criminal defendants for felony offenses  
31 or offenses involving domestic violence as defined in section 13-3601 or  
32 violations of title 13, chapter 14 or title 28, chapter 4 that have occurred  
33 in this state.

34          D. The chief officers of law enforcement agencies of this state or its  
35 political subdivisions shall provide to the department such information as  
36 necessary to operate the statewide uniform crime reporting program and to  
37 cooperate with the federal government uniform crime reporting program.

38          E. The chief officers of criminal justice agencies of this state or  
39 its political subdivisions shall comply with the training and proficiency  
40 testing guidelines as required by the department to comply with the federal  
41 national crime information center mandates.

42          F. The chief officers of criminal justice agencies of this state or  
43 its political subdivisions also shall provide to the department information  
44 concerning crimes that manifest evidence of prejudice based on race, color,  
45 religion, national origin, sexual orientation, gender or disability.

1           G. The director shall authorize the exchange of criminal justice  
2 information between the central state repository, or through the Arizona  
3 criminal justice information system, whether directly or through any  
4 intermediary, only as follows:

5           1. With criminal justice agencies of the federal government, Indian  
6 tribes, this state or its political subdivisions and other states, on request  
7 by the chief officers of such agencies or their designated representatives,  
8 specifically for the purposes of the administration of criminal justice and  
9 for evaluating the fitness of current and prospective criminal justice  
10 employees.

11           2. With any noncriminal justice agency pursuant to a statute,  
12 ordinance or executive order that specifically authorizes the noncriminal  
13 justice agency to receive criminal history record information for the purpose  
14 of evaluating the fitness of current or prospective licensees, employees,  
15 contract employees or volunteers, on submission of the subject's fingerprints  
16 and the prescribed fee. Each statute, ordinance, or executive order that  
17 authorizes noncriminal justice agencies to receive criminal history record  
18 information for these purposes shall identify the specific categories of  
19 licensees, employees, contract employees or volunteers, and shall require  
20 that fingerprints of the specified individuals be submitted in conjunction  
21 with such requests for criminal history record information.

22           3. With the board of fingerprinting for the purpose of conducting good  
23 cause exceptions pursuant to section 41-619.55.

24           4. With any individual for any lawful purpose on submission of the  
25 subject of record's fingerprints and the prescribed fee.

26           5. With the governor, if the governor elects to become actively  
27 involved in the investigation of criminal activity or the administration of  
28 criminal justice in accordance with the governor's constitutional duty to  
29 ensure that the laws are faithfully executed or as needed to carry out the  
30 other responsibilities of the governor's office.

31           6. With regional computer centers that maintain authorized  
32 computer-to-computer interfaces with the department, that are criminal  
33 justice agencies or under the management control of a criminal justice agency  
34 and that are established by a statute, ordinance or executive order to  
35 provide automated data processing services to criminal justice agencies  
36 specifically for the purposes of the administration of criminal justice or  
37 evaluating the fitness of regional computer center employees who have access  
38 to the Arizona criminal justice information system and the national crime  
39 information center system.

40           7. With an individual who asserts a belief that criminal history  
41 record information relating to the individual is maintained by an agency or  
42 in an information system in this state that is subject to this section. On  
43 submission of fingerprints, the individual may review this information for  
44 the purpose of determining its accuracy and completeness by making  
45 application to the agency operating the system. Rules adopted under this

1 section shall include provisions for administrative review and necessary  
2 correction of any inaccurate or incomplete information. The review and  
3 challenge process authorized by this paragraph is limited to criminal history  
4 record information.

5 8. With individuals and agencies pursuant to a specific agreement with  
6 a criminal justice agency to provide services required for the administration  
7 of criminal justice pursuant to that agreement if the agreement specifically  
8 authorizes access to data, limits the use of data to purposes for which given  
9 and ensures the security and confidentiality of the data consistent with this  
10 section.

11 9. With individuals and agencies for the express purpose of research,  
12 evaluative or statistical activities pursuant to an agreement with a criminal  
13 justice agency if the agreement specifically authorizes access to data,  
14 limits the use of data to research, evaluative or statistical purposes and  
15 ensures the confidentiality and security of the data consistent with this  
16 section.

17 10. With the auditor general for audit purposes.

18 11. With central state repositories of other states for noncriminal  
19 justice purposes for dissemination in accordance with the laws of those  
20 states.

21 12. On submission of the fingerprint card, with the department of  
22 economic security to provide criminal history record information on  
23 prospective adoptive parents for the purpose of conducting the preadoption  
24 certification investigation under title 8, chapter 1, article 1 if the  
25 department of economic security is conducting the investigation, or with an  
26 agency or a person appointed by the court, if the agency or person is  
27 conducting the investigation. Information received under this paragraph  
28 shall only be used for the purposes of the preadoption certification  
29 investigation.

30 13. With the department of economic security and the superior court for  
31 the purpose of evaluating the fitness of custodians or prospective custodians  
32 of juveniles, including parents, relatives and prospective guardians.  
33 Information received under this paragraph shall only be used for the purposes  
34 of that evaluation. The information shall be provided on submission of  
35 either:

36 (a) The fingerprint card.

37 (b) The name, date of birth and social security number of the person.

38 14. On submission of a fingerprint card, provide criminal history  
39 record information to the superior court for the purpose of evaluating the  
40 fitness of investigators appointed under section 14-5303 or 14-5407, or  
41 guardians appointed under section 14-5206.

42 15. With the supreme court to provide criminal history record  
43 information on prospective fiduciaries pursuant to section 14-5651.

44 16. With the department of juvenile corrections to provide criminal  
45 history record information pursuant to section 41-2814.



1       17. On submission of the fingerprint card, provide criminal history  
2 record information to the Arizona peace officer standards and training board  
3 or a board certified law enforcement academy to evaluate the fitness of  
4 prospective cadets.

5       18. With the internet sex offender web site database established  
6 pursuant to section 13-3827.

7       19. With licensees of the United States nuclear regulatory commission  
8 for the purpose of determining whether an individual should be granted  
9 unescorted access to the protected area of a commercial nuclear generating  
10 station on submission of the subject of record's fingerprints and the  
11 prescribed fee.

12       20. With the state board of education for the purpose of evaluating the  
13 fitness of a certificated teacher or administrator or an applicant for a  
14 teaching or an administrative certificate provided that the state board of  
15 education or its employees or agents have reasonable suspicion that the  
16 certificated person engaged in conduct that would be a criminal violation of  
17 the laws of this state or was involved in immoral or unprofessional conduct  
18 or that the applicant engaged in conduct that would warrant disciplinary  
19 action if the applicant were certificated at the time of the alleged conduct.  
20 The information shall be provided on the submission of either:

21       (a) The fingerprint card.

22       (b) The name, date of birth and social security number of the person.

23       H. The director shall adopt rules necessary to execute this section.

24       I. The director, in the manner prescribed by law, shall remove and  
25 destroy records that the director determines are no longer of value in the  
26 detection or prevention of crime.

27       J. The director shall establish a fee in an amount necessary to cover  
28 the cost of federal noncriminal justice fingerprint processing for criminal  
29 history record information checks that are authorized by law for noncriminal  
30 justice employment, licensing or other lawful purposes. An additional fee  
31 may be charged by the department for state noncriminal justice fingerprint  
32 processing. Fees submitted to the department for state noncriminal justice  
33 fingerprint processing are not refundable.

34       K. The director shall establish a fee in an amount necessary to cover  
35 the cost of processing copies of department reports, eight by ten inch black  
36 and white photographs or eight by ten inch color photographs of traffic  
37 accident scenes.

38       L. Except as provided in subsection 0 of this section, each agency  
39 authorized by this section may charge a fee, in addition to any other fees  
40 prescribed by law, in an amount necessary to cover the cost of state and  
41 federal noncriminal justice fingerprint processing for criminal history  
42 record information checks that are authorized by law for noncriminal justice  
43 employment, licensing or other lawful purposes.

44       M. A fingerprint account within the records processing fund is  
45 established for the purpose of separately accounting for the collection and

1 payment of fees for noncriminal justice fingerprint processing by the  
2 department. Monies collected for this purpose shall be credited to the  
3 account, and payments by the department to the United States for federal  
4 noncriminal justice fingerprint processing shall be charged against the  
5 account. Monies in the account not required for payment to the United States  
6 shall be used by the department in support of the department's noncriminal  
7 justice fingerprint processing duties. At the end of each fiscal year, any  
8 balance in the account not required for payment to the United States or to  
9 support the department's noncriminal justice fingerprint processing duties  
10 reverts to the state general fund.

11 N. A records processing fund is established for the purpose of  
12 separately accounting for the collection and payment of fees for department  
13 reports and photographs of traffic accident scenes processed by the  
14 department. Monies collected for this purpose shall be credited to the fund  
15 and shall be used by the department in support of functions related to  
16 providing copies of department reports and photographs. At the end of each  
17 fiscal year, any balance in the fund not required for support of the  
18 functions related to providing copies of department reports and photographs  
19 reverts to the state general fund.

20 O. The department of economic security may pay from appropriated  
21 monies the cost of federal fingerprint processing or federal criminal history  
22 record information checks that are authorized by law for employees and  
23 volunteers of the department, guardians pursuant to section 46-134,  
24 subsection A, paragraph 15, the licensing of foster parents or the  
25 certification of adoptive parents.

26 P. The director shall adopt rules that provide for:

27 1. The collection and disposition of fees pursuant to this section.  
28 2. The refusal of service to those agencies that are delinquent in  
29 paying these fees.

30 Q. The director shall ensure that the following limitations are  
31 observed regarding dissemination of criminal justice information obtained  
32 from the central state repository or through the Arizona criminal justice  
33 information system:

34 1. Any criminal justice agency that obtains criminal justice  
35 information from the central state repository or through the Arizona criminal  
36 justice information system assumes responsibility for the security of the  
37 information and shall not secondarily disseminate this information to any  
38 individual or agency not authorized to receive this information directly from  
39 the central state repository or originating agency.

40 2. Dissemination to an authorized agency or individual may be  
41 accomplished by a criminal justice agency only if the dissemination is for  
42 criminal justice purposes in connection with the prescribed duties of the  
43 agency and not in violation of this section.

44 3. Criminal history record information disseminated to noncriminal  
45 justice agencies or to individuals shall be used only for the purposes for

1 which it was given. Secondary dissemination is prohibited unless otherwise  
2 authorized by law.

3 4. The existence or nonexistence of criminal history record  
4 information shall not be confirmed to any individual or agency not authorized  
5 to receive the information itself.

6 5. Criminal history record information to be released for noncriminal  
7 justice purposes to agencies of other states shall only be released to the  
8 central state repositories of those states for dissemination in accordance  
9 with the laws of those states.

10 6. Criminal history record information shall be released to  
11 noncriminal justice agencies of the federal government pursuant to the terms  
12 of the federal security clearance information act (P.L. 99-169).

13 R. This section and the rules adopted under this section apply to all  
14 agencies and individuals collecting, storing or disseminating criminal  
15 justice information processed by manual or automated operations if the  
16 collection, storage or dissemination is funded in whole or in part with  
17 monies made available by the law enforcement assistance administration after  
18 July 1, 1973, pursuant to title I of the crime control act of 1973, and to  
19 all agencies that interact with or receive criminal justice information from  
20 or through the central state repository and through the Arizona criminal  
21 justice information system.

22 S. This section does not apply to criminal history record information  
23 contained in:

24 1. Posters, arrest warrants, announcements or lists for identifying or  
25 apprehending fugitives or wanted persons.

26 2. Original records of entry such as police blotters maintained by  
27 criminal justice agencies, compiled chronologically and required by law or  
28 long-standing custom to be made public if these records are organized on a  
29 chronological basis.

30 3. Transcripts or records of judicial proceedings if released by a  
31 court or legislative or administrative proceedings.

32 4. Announcements of executive clemency or pardon.

33 5. Computer databases, other than the Arizona criminal justice  
34 information system, that are specifically designed for community notification  
35 of an offender's presence in the community pursuant to section 13-3825 or for  
36 public informational purposes authorized by section 13-3827.

37 T. Nothing in this section prevents a criminal justice agency from  
38 disclosing to the public criminal history record information that is  
39 reasonably contemporaneous to the event for which an individual is currently  
40 within the criminal justice system, including information noted on traffic  
41 accident reports concerning citations, blood alcohol tests, intoxilyzer tests  
42 or arrests made in connection with the traffic accident being investigated.

43 U. In order to ensure that complete and accurate criminal history  
44 record information is maintained and disseminated by the central state  
45 repository:

1           1. The arresting authority shall take legible fingerprints of all  
2 persons arrested for offenses specified in subsection C of this section and,  
3 within ten days of the arrest, the arresting authority shall forward the  
4 fingerprints to the department in the manner or form required by the  
5 department. On the issuance and service of a summons for a defendant who is  
6 charged with a felony offense, a violation of title 13, chapter 14 or title  
7 28, chapter 4 or a domestic violence offense as defined in section 13-3601,  
8 the court shall order that the defendant be fingerprinted by the appropriate  
9 law enforcement agency and that the defendant appear at a designated time and  
10 place for fingerprinting. At the initial appearance or on the arraignment of  
11 a summoned defendant who is charged with a felony offense, a violation of  
12 title 13, chapter 14 or title 28, chapter 4 or a domestic violence offense as  
13 defined in section 13-3601, the court shall order that the defendant be  
14 fingerprinted at a designated time and place by the appropriate law  
15 enforcement agency if the court has reasonable cause to believe that the  
16 defendant was not previously fingerprinted.

17           2. BEGINNING JANUARY 1, 2008, THE ARRESTING AUTHORITY SHALL REQUIRE  
18 ALL PERSONS WHO ARE ARRESTED FOR A SERIOUS OFFENSE AS DEFINED IN SECTION  
19 13-604 TO SUBMIT TO DEOXYRIBONUCLEIC ACID TESTING. WITHIN NINETY DAYS AFTER  
20 TESTING, THE ARRESTING AUTHORITY SHALL FORWARD THE DEOXYRIBONUCLEIC ACID TEST  
21 RESULTS TO THE DEPARTMENT IN A MANNER OR FORM REQUIRED BY THE DEPARTMENT.

22           ~~2.~~ 3. In every criminal case in which the defendant is incarcerated  
23 or fingerprinted as a result of the charge, an originating law enforcement  
24 agency or prosecutor, within forty days of the disposition, shall advise the  
25 central state repository of all dispositions concerning the termination of  
26 criminal proceedings against an individual arrested for an offense specified  
27 in subsection C of this section. This information shall be submitted on a  
28 form or in a manner required by the department.

29           ~~3.~~ 4. Dispositions resulting from formal proceedings in a court  
30 having jurisdiction in a criminal action against an individual who is  
31 arrested for an offense specified in subsection C of this section or section  
32 8-341, subsection S shall be reported to the central state repository within  
33 forty days of the date of the disposition. This information shall be  
34 submitted on a form or in a manner specified by rules approved by the supreme  
35 court.

36           ~~4.~~ 5. The state department of corrections or the department of  
37 juvenile corrections, within forty days, shall advise the central state  
38 repository that it has assumed supervision of a person convicted of an  
39 offense specified in subsection C of this section or section 8-341,  
40 subsection S. The state department of corrections or the department of  
41 juvenile corrections shall also report dispositions that occur thereafter to  
42 the central state repository within forty days of the date of the  
43 dispositions. This information shall be submitted on a form or in a manner  
44 required by the department of public safety.

1       ~~5.~~ 6. Each criminal justice agency shall query the central state  
2 repository before dissemination of any criminal history record information to  
3 ensure the completeness of the information. Inquiries shall be made before  
4 any dissemination except in those cases in which time is of the essence and  
5 the repository is technically incapable of responding within the necessary  
6 time period. If time is of the essence, the inquiry shall still be made and  
7 the response shall be provided as soon as possible.

8       V. The director shall adopt rules specifying that any agency that  
9 collects, stores or disseminates criminal justice information that is subject  
10 to this section shall establish effective security measures to protect the  
11 information from unauthorized access, disclosure, modification or  
12 dissemination. The rules shall include reasonable safeguards to protect the  
13 affected information systems from fire, flood, wind, theft, sabotage or other  
14 natural or man-made hazards or disasters.

15       W. The department shall make available to agencies that contribute to,  
16 or receive criminal justice information from, the central state repository or  
17 through the Arizona criminal justice information system a continuing training  
18 program in the proper methods for collecting, storing and disseminating  
19 information in compliance with this section.

20       X. Nothing in this section creates a cause of action or a right to  
21 bring an action including an action based on discrimination due to sexual  
22 orientation.

23       Y. For the purposes of this section:

24       1. "Administration of criminal justice" means performance of the  
25 detection, apprehension, detention, pretrial release, posttrial release,  
26 prosecution, adjudication, correctional supervision or rehabilitation of  
27 criminal offenders. Administration of criminal justice includes enforcement  
28 of criminal traffic offenses and civil traffic violations, including parking  
29 violations, when performed by a criminal justice agency. Administration of  
30 criminal justice also includes criminal identification activities and the  
31 collection, storage and dissemination of criminal history record information.

32       2. "Administrative records" means records that contain adequate and  
33 proper documentation of the organization, functions, policies, decisions,  
34 procedures and essential transactions of the agency and that are designed to  
35 furnish information to protect the rights of this state and of persons  
36 directly affected by the agency's activities.

37       3. "Arizona criminal justice information system" or "system" means the  
38 statewide information system managed by the director for the collection,  
39 processing, preservation, dissemination and exchange of criminal justice  
40 information and includes the electronic equipment, facilities, procedures and  
41 agreements necessary to exchange this information.

42       4. "Central state repository" means the central location within the  
43 department for the collection, storage and dissemination of Arizona criminal  
44 history records and related criminal justice information.

1           5. "Criminal history record information" and "criminal history record"  
2 means information that is collected by criminal justice agencies on  
3 individuals and that consists of identifiable descriptions and notations of  
4 arrests, detentions, indictments and other formal criminal charges, and any  
5 disposition arising from those actions, sentencing, formal correctional  
6 supervisory action and release. Criminal history record information and  
7 criminal history record do not include identification information to the  
8 extent that the information does not indicate involvement of the individual  
9 in the criminal justice system or information relating to juveniles unless  
10 they have been adjudicated as adults.

11           6. "Criminal justice agency" means either:

12           (a) A court at any governmental level with criminal or equivalent  
13 jurisdiction, including courts of any foreign sovereignty duly recognized by  
14 the federal government.

15           (b) A government agency or subunit of a government agency that is  
16 specifically authorized to perform as its principal function the  
17 administration of criminal justice pursuant to a statute, ordinance or  
18 executive order and that allocates more than fifty per cent of its annual  
19 budget to the administration of criminal justice. This subdivision includes  
20 agencies of any foreign sovereignty duly recognized by the federal  
21 government.

22           7. "Criminal justice information" means information that is collected  
23 by criminal justice agencies and that is needed for the performance of their  
24 legally authorized and required functions, such as criminal history record  
25 information, citation information, stolen property information, traffic  
26 accident reports, wanted persons information and system network log searches.  
27 Criminal justice information does not include the administrative records of a  
28 criminal justice agency.

29           8. "Disposition" means information disclosing that a decision has been  
30 made not to bring criminal charges or that criminal proceedings have been  
31 concluded or information relating to sentencing, correctional supervision,  
32 release from correctional supervision, the outcome of an appellate review of  
33 criminal proceedings or executive clemency.

34           9. "Dissemination" means the written, oral or electronic communication  
35 or transfer of criminal justice information to individuals and agencies other  
36 than the criminal justice agency that maintains the information.  
37 Dissemination includes the act of confirming the existence or nonexistence of  
38 criminal justice information.

39           10. "Management control":

40           (a) Means the authority to set and enforce:

41           (i) Priorities regarding development and operation of criminal justice  
42 information systems and programs.

43           (ii) Standards for the selection, supervision and termination of  
44 personnel involved in the development of criminal justice information systems

1 and programs and in the collection, maintenance, analysis and dissemination  
2 of criminal justice information.

3 (iii) Policies governing the operation of computers, circuits and  
4 telecommunications terminals used to process criminal justice information to  
5 the extent that the equipment is used to process, store or transmit criminal  
6 justice information.

7 (b) Includes the supervision of equipment, systems design, programming  
8 and operating procedures necessary for the development and implementation of  
9 automated criminal justice information systems.

10 11. "Process control number" means the Arizona automated fingerprint  
11 identification system number that attaches to each arrest event at the time  
12 of fingerprinting and that is assigned to the arrest fingerprint card,  
13 disposition form and other pertinent documents.

14 12. "Secondary dissemination" means the dissemination of criminal  
15 justice information from an individual or agency that originally obtained the  
16 information from the central state repository or through the Arizona criminal  
17 justice information system to another individual or agency.

18 13. "Sexual orientation" means consensual homosexuality or  
19 heterosexuality.

20 14. "Subject of record" means the person who is the primary subject of  
21 a criminal justice record.